

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants,

and

KARLA PEREZ, *et al.*,

STATE OF NEW JERSEY,

Defendant-Intervenors.

Case No. 18-cv-00068

**SECOND NOTICE OF COMPLIANCE WITH
THE COURT'S ORDER [ECF No. 576]**

On July 16, 2021, the Court granted Plaintiffs' Motion for Summary Judgment in part, ECF No. 575, and issued a permanent injunction, ECF No. 576. The injunction prohibits the Federal Defendants from administering the DACA policy and from reimplementing DACA without compliance with the Administrative Procedure Act. The Court stayed portions of its permanent injunction, permitting the Federal Defendants to continue to accept but not grant requests from initial requestors and to continue to grant renewal requests for existing requestors. Pursuant to the Court's order, the Federal Defendants submit the following:

1. On July 16, 2021, in order to comply with the Court's permanent injunction, the U.S. Citizenship and Immigration Services (USCIS) instructed its DACA adjudicators to cease granting initial DACA requests as of that date. *See* Exhibit A, Declaration of Tracy L. Renaud ("Renaud Decl."), July 27, 2021, ¶ 5.

2. As noted, the Court's injunction permits USCIS to continue to accept new DACA requests but specifies that it "may not grant" these requests. ECF No. 576, at 4. USCIS reports, however, that nine initial DACA requests were acted upon in error between July 17-19, 2021. *Id.* ¶ 14. The government regrets this error, and USCIS is in the process of correcting it by notifying those individuals who received approvals that the approvals were void at the time they were issued given this Court's injunction and that those individuals do not have a valid grant of DACA. *Id.* ¶ 14.

3. Consistent with the Court's stay of its injunction, USCIS has instructed DACA adjudicators to continue accepting DACA renewal requests from those individuals who had obtained DACA on or before July 16, 2021, and granting or denying those requests under existing policy. *Id.* ¶ 6. On July 27, 2021, USCIS published the attached Frequently Asked Questions regarding USCIS's implementation of the Court's order to its public website. *See*

Exhibit B, Frequently Asked Questions, <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca/frequently-asked-questions> at 2-8 (July 27, 2021) (last visited July 27, 2021).

4. With respect to “DACA recipients who obtained that status on or before the date of [the Court’s] injunction,” the Court has permitted the Federal Defendants to grant “DACA renewal applications for these existing recipients (regardless of when the renewal applications are submitted).” ECF No. 576, at 4. Since 2014, USCIS’s longstanding policy has been to accept renewal requests from individuals whose deferred action under DACA has been expired for less than a year, and those individuals would have obtained DACA as a renewal prior to this Court’s injunction. *See* USCIS, Renew Your DACA, <https://www.uscis.gov/humanitarian/renew-your-daca> (“Please note, if you file after your most recent DACA period expired, but within one year of its expiration, you may submit a request to renew your DACA.”); *see also* Renaud Decl. ¶ 9 (describing longstanding policy). The Federal Defendants understand the Court’s order to allow USCIS to grant renewal to these individuals, all of whom originally received DACA on or before the date of the Court’s injunction. Absent further guidance from this Court, the Federal Defendants will continue to act on that category of renewal requests in accordance with USCIS’s preexisting renewal policy and consistent with the Court’s stay allowing grants of renewal requests for individuals previously granted DACA.

Dated: July 27, 2021

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on July 27, 2021, this document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Jeffrey S. Robins
JEFFREY S. ROBINS